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8
9 **BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS**
10 **IN MEDICINE AND SURGERY**

11 IN THE MATTER OF:

) Case No.: DO-15-0139-A
)
)

13 **DALE THOMAS RATCLIFFE**
14 Holder of License No. 4581

) **INTERIM FINDINGS OF FACT,**
) **CONCLUSIONS OF LAW, AND**
) **ORDER FOR SUMMARY**
) **SUSPENSION OF LICENSE**

15 For the practice of osteopathic medicine in)
16 the State of Arizona)
_____)

17 **INTRODUCTION**

18 The above-captioned matter came before the Arizona Board of Osteopathic
19 Examiners in Medicine & Surgery ("Board") for review on June 24, 2015. After
20 reviewing relevant information and deliberating, the Board considered proceedings for a
21 summary suspension action against the license of Dale Thomas Ratcliffe, D.O.
22 ("Respondent"). Having considered the information in the matter and being fully
23 advised, the Board enters the following Interim Findings of Fact, Conclusions of Law and
24 Order for Summary Suspension of License No. 4581, pending formal hearing or other
25 Board action. A.R.S. § 32-1855(C).
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27

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2 **INTERIM FINDINGS OF FACT**

3 1. Respondent holds License No. 4581 issued on January 18, 2007 by the
4 Board to practice as an osteopathic physician in the State of Arizona.

5 2. Respondent has been employed as an osteopathic physician at Pima Pain
6 Center in Tucson, Arizona since January 2015.

7 3. Respondent is currently registered with the U.S. Drug Enforcement Agency
8 to prescribe controlled substances in schedules II – V under DEA No. BR9231084.

9 4. On June 15, 2015, Respondent was arrested by an Arizona Department of
10 Public Safety Officer, Brian Petersen, and was charged with illegal possession of
11 narcotics, dangerous drugs, and drug paraphernalia.

12 5. At the time of Respondent's arrest, he was in possession of (1) 4.3 grams of
13 Methamphetamine, (2) two syringes of expired Morphine, (3) an unknown quantity of
14 Lidocaine, (4) and R.W.'s medical records.

15 6. At the time of Respondent's arrest, he admitted to using Methamphetamine
16 that morning before engaging in the practice of medicine at Pima Pain Center.

17 7. At the time of Respondent's arrest he had possession of R.W.'s patient
18 records and admitted to engaging in sexual relations with R.W.

19 8. A review of the Arizona Prescription Monitoring Database revealed that
20 Respondent prescribed Oxycodone tablets for R.W. on four different occasions between
21 April 26, 2015 and June 5, 2015. It was confirmed that R.W. is not a patient of Pima
22 Pain Center in Tucson, Arizona.

23 9. DEA Investigators contacted Pima Pain Center and communicated with
24 Management. Management was unaware that Respondent may be practicing medicine
25 outside of Pima Pain Center.

26 10. Respondent prescribed B.C. sixty Oxycodone 10 mg tablets on May 21,
27 2015. It was confirmed by Pima Pain Center staff that B.C. is not a patient.

11. Upon review of the Arizona Prescription Monitoring Database, it was revealed that between January 9, 2015 and June 12, 2015, nine narcotic controlled substance prescriptions were written by Respondent and filled for B.C. Of these nine prescriptions, six were for Oxycodone and three were for Morphine. The address of record for B.C. is the same address listed for R.W. in the Arizona Prescription Monitoring Database.

INTERIM CONCLUSIONS OF LAW

1. The Board is empowered, pursuant to A.R.S. § 32-1800 *et seq.*, to regulate the licensing and practice of osteopathic medicine in the State of Arizona.

2. Pursuant to A.R.S. § 32-1800, *et seq.*, the Board has subject matter and personal jurisdiction in this matter.

3. The conduct and circumstances described in paragraphs 1 through 11 above, constitute unprofessional conduct as defined in the following paragraphs of A.R.S. § 32-1854:

(3) Practicing medicine while under the influence of alcohol, narcotic or hypnotic drugs or any substance that impairs or may impair the licensee's ability to safely and skillfully practice medicine.

(5) Prescribing, dispensing or administering controlled substances or prescription – only drugs for other than accepted therapeutic purposes.

(6) Engaging in the practice of medicine in a manner that harms or may harm a patient or that the board determines falls below the community standard.

(22) Using controlled substances or prescription-only drugs unless they are provided by a medical practitioner, as defined in Section 32-1901, as part of a lawful course of treatment.

(35) Violating a federal law, a state law or a rule applicable to the practice of medicine.

1 (36) Prescribing or dispensing controlled substances or prescription-only
2 medications without establishing and maintaining adequate patient records.

3 (38) Any conduct or practice that endangers a patient's or the public's health or
4 may reasonably be expected to do so.

5 (42) Engaging in sexual conduct with a current patient or with a former patient
6 within six months after the last medical consultation unless the patient was the
7 licensee's spouse at the time of the contact or, immediately preceding the
8 physician-patient relationship, was in a dating or engagement relationship with the
9 licensee. For the purposes of this paragraph, "sexual conduct" includes:

10 (a) Engaging in or soliciting sexual relationships, whether consensual or
11 nonconsensual.

12 FINDING OF PUBLIC EMERGENCY AND ORDER

13 Based upon the facts and circumstances set forth in the Interim Findings of
14 Fact and Interim Conclusions of Law, the Board finds that the public health, safety, and
15 welfare imperatively requires emergency action.

16 1. **IT IS THEREFORE ORDERED**, pursuant to A.R.S. §§ 32-1855(C) and 41-
17 1064 (C) and effective immediately, that osteopathic license no. 4581 held by DALE
18 THOMAS RATCLIFFE is **SUMMARILY SUSPENDED** pending proceedings for
19 revocation and other action by the Board. A formal hearing in this matter shall be
20 promptly instituted and determined.

21 2. The Interim Findings of Fact and Conclusions of Law constitute written notice
22 to Respondent of the charges of unprofessional conduct made by the Board against him.
23 Respondent is entitled to a formal hearing to defend these charges within thirty (30) days
24 after issuance of the Order.

25 3. The Board's Executive Director is instructed to refer this matter to the Office
26 of Administrative Hearings for scheduling of an administrative hearing to be commenced
27 no later than thirty (30) days from the date of the issuance of this order, unless stipulated
and agreed otherwise by Respondent.

1 4. Service of this Order is effective upon either personal delivery or the date of
2 mailing, by U.S. certified mail, addressed to Respondent's last known address of record
3 with the Board. *See* A.R.S. § 32-1855(F).



ISSUED THIS 25th DAY OF JUNE, 2015.
STATE OF ARIZONA
BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By:


Jenna Jones, Executive Director

10 **ORIGINAL** filed this
11 _25th day of June, 2015 with the:

12 Arizona Board of Osteopathic Examiners
13 In Medicine and Surgery
14 9535 East Doubletree Ranch Road
Scottsdale AZ 85258-5539

15 **COPY** of this sent certified mail, return receipt requested and email this
16 25th day of June, 2015 to:

17 Robert Milligan, Esq.
18 Milligan Lawless, P.C.
19 5050 N. 40th Street, Ste. 200
Phoenix, AZ 85018
Attorney for Respondent


20 Email address for Robert Milligan, Esq.

21 **COPY** of this sent certified mail, return receipt requested this
22 25th Day of June, 2015 to :

23 Dale Thomas Ratcliffe,
24 Pima Pain Center
6226 E. Pima Street, Suite 3
25 Tucson, AZ 85712
Respondent

COPY of the foregoing sent inter-agency mail this
_25th day of June, 2015 to:

Jeanne M. Galvin
Mary D. Williams
Office of the Attorney General SGD/LES
1275 West Washington
Phoenix AZ 85007
Attorneys for the Board of Osteopathic Examiners_

By: 
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